

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7379**

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ABNER D. ALLEN,

Petitioner - Appellant,

versus

MICHAEL COLEMAN, Acting Warden, Mount Olive  
Correctional Complex,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Clarksburg. Irene M. Keeley, Chief  
District Judge. (CA-02-18-1)

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Submitted: December 12, 2003

Decided: January 9, 2004

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Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Abner D. Allen, Appellant Pro Se. Dawn Ellen Warfield, OFFICE OF  
THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Abner D. Allen seeks to appeal the district court's order adopting the magistrate judge's recommendation and denying his 28 U.S.C. § 2254 (2000) petition. Allen cannot appeal this order unless a circuit judge or justice issues a certificate of appealability, and a certificate of appealability will not issue absent a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A habeas appellant meets this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 326 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude Allen has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED